



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,808	09/08/2003	Geoffrey B. Rhoads	P0880	1809
23735 7590 09/01/2009 DIGIMARC CORPORATION 9405 SW GEMINI DRIVE BEAVERTON, OR 97008				
EXAMINER				
CHEN, SHIN HON				
ART UNIT		PAPER NUMBER		
2431				
MAIL DATE		DELIVERY MODE		
09/01/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/658,808

**Applicant(s)**

RHOADS, GEOFFREY B.

**Examiner**

SHIN-HON CHEN

**Art Unit**

2431

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 April 2009.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40, 42, 43 and 46-59 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-40, 42, 43 and 46-59 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-40, 42, 43, and 46-59 have been examined.

***Claim Objections***

2. Claims 53-59 are objected to because of the following informalities: Claims 53-59 claims method, computer readable media, and device that utilizes the method or acts of prior claims. Applicant is advised to incorporate the limitations of the prior claims into the newly introduced claims to clearly disclose the limitations. Furthermore, applicant is advised to change the term "computer readable media" into "computer readable storage media" to avoid potential 35 U.S.C 101 rejection. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 25-27, 29-32, 34, 36, 38-40, 42, 43, 47, 48, and 56-59 are rejected under 35 U.S.C. 102(e) as being anticipated by Tamer et al. U.S. Pat. No. 5619501 (hereinafter Tamer).

5. As per claim 25, 58 and 59, Tamer discloses a method for utilizing a title signal contained in digital data through a comparison of the title signal to a player signal stored in, or available from, a personal computing device, the method comprising:

providing the digital data having the title signal (Tamer: column 1 lines 61-63: the payload headers include groups of bytes to allow or disallow receiver from process data);

detecting, at the personal computing device, the title signal in the data, the personal computing device comprises a configured multi-purpose electronic processor, and said act of detecting utilizes the configured multi-purpose electronic processor (Tamer: column 1 lines 65-66: the receiver examines respective byte groupings of the conditional access header/title signal);

comparing the title signal to the player signal (Tamer: column 1 lines 65-67: match the conditional access codeword stored on receiver with the codeword stored in payload header); and

performing an action based upon the comparison, in which the player signal expires after a predetermined time such that it is no longer useful for comparison to the title signal (Tamer: column 1 line 67 - column 2 line 2: only if a match occurs is the processor permitted to process the data).

6. As per claim 26, Tamer discloses the method of claim 25. Tamer further discloses wherein the action is performed if the title signal matches the player signal (Tamer: column 1 line 67 - column 2 line 2: process data only if the conditional access codes match).

7. As per claim 27, Tamer discloses the method of claim 26. Tamer further discloses wherein the action is to inform a personal computing device user of the match and at least one

consequence thereof (Tamer: column 3 lines 56-67).

8. As per claim 29, Tamer discloses the method of claim 27. Tamer further discloses wherein the action is to inform the personal computer user of the match and of the player signal (Tamer: column 5 lines 15-32).

9. As per claim 30, 56 and 57, Tamer discloses a method for utilizing a title signal contained in a computer readable set of instructions through a comparison of the title signal to a player signal stored in, or available from, a personal computing device, the method comprising:

providing the digital data having the title signal (Tamer: column 1 lines 61-63: the payload headers include groups of bytes to allow or disallow receiver from process data);

utilizing a configured multi-purpose electronic processor, detecting, at the personal computer, the title signal in the data (Tamer: column 1 lines 65-66: the receiver examines respective byte groupings of the conditional access header/title signal);

comparing the title signal to the player signal (Tamer: column 1 lines 65-67: match the conditional access codeword stored on receiver with the codeword stored in payload header); and

performing an action based upon the comparison (Tamer: column 1 line 67 - column 2 line 2: only if a match occurs is the processor permitted to process the data).

10. As per claim 31, Tamer discloses the method of claim 30. Tamer further discloses wherein the action is performed if the title signal matches the player signal (Tamer: column 1

line 67 - column 2 line 2: process data only if the conditional access codes match).

11. As per claim 32, Tamer discloses the method of claim 31. Tamer further discloses wherein the action is to inform the personal computing device user of the match and at least one consequence thereof (Tamer: column 3 lines 56-67).

12. As per claim 34, Tamer discloses the method of claim 32. Tamer further discloses wherein the action is to inform the personal computing device user of the match and of the player signal (Tamer: column 3 lines 56-67).

13. As per claim 36, Tamer discloses the method of claim 25. Tamer further discloses wherein the player signal is embedded within the computer readable set of instructions (Tamer: column 3 lines 40-50).

14. As per claim 38, Tamer discloses the method of claim 25. Tamer further discloses wherein the comparing step is performed by a subset of instructions contained within the computer readable set of instructions (Tamer: column 3 lines 40-55: the microprocessor is configured to compare conditional access codes).

15. As per claim 39, Tamer discloses the method of claim 25. Tamer further discloses wherein the computer readable set of instructions represents an application program executable by the personal computer, wherein the personal computer has an operating system for launching

the application, and wherein the detecting step is performed by the operating system (Tamer: column 3 lines 37-67).

16. As per claim 40, Tamer discloses the method of claim 39. Tamer further discloses wherein the operating system also performs the comparing and/or performing steps (Tamer: column 3 lines 40-55).

17. As per claim 42, Tamer discloses the method of claim 41. Tamer further discloses the step of updating the player signal for comparison to the title signal (Tamer: column 5 lines 28-30: updating conditional access codes).

18. As per claim 43, Tamer discloses a method for utilizing a title signal contained in digital data to be input into a computer readable set of instructions through a comparison of the title signal to a player signal stored in, or available from, a computing device, in which the computing device comprises a multi-purpose electronic processor, the method comprising:

providing the digital data having the title signal (Tamer: column 1 lines 61-63: the payload headers include groups of bytes to allow or disallow receiver from process data);

utilizing the multi-purpose electronic processor configured with the computer readable set of instruction, detecting, at the personal computer, the title signal in the data (Tamer: column 1 lines 65-66: the receiver examines respective byte groupings of the conditional access header/title signal);

comparing the title signal to the player signal (Tamer: column 1 lines 65-67: match the conditional access codeword stored on receiver with the codeword stored in payload header); and performing an action based upon the comparison (Tamer: column 1 line 67 - column 2 line 2: only if a match occurs is the processor permitted to process the data).

19. As per claim 47, Tamer discloses the method of claim 43. Tamer further discloses wherein the action further comprises informing the computing device user of the player signal (Tamer: column 3 lines 56-67).

20. As per claim 48, Tamer discloses the method of claim 43. Tamer further discloses wherein the computer readable set of instructions is a word processing application program and the digital data is a document read thereby (Tamer: column 2 lines 42-50).

21. Claims 49-51, 54 and 55 are rejected under 35 U.S.C. 102(e) as being anticipated by Moskowitz U.S. Pat. No. 5745569 (hereinafter Moskowitz).

22. As per claim 49 and 54 and 55, Moskowitz discloses a method for utilizing a title signal contained in digital data and a player signal stored in a player device, the player device comprises a multi-purpose electronic processor the method comprising:

receiving an encrypted title signal at the player device, the encrypted title signal having been encrypted with a private key (Moskowitz: column 5 line 65 - column 6 line 21: encode the essential data into a watermark using license code/secret key);



utilizing the multi-purpose electronic processor configured as a detector, detecting, at the player device, the title signal in the data (Moskowitz: column 6 lines 23-30: decode the watermark to retrieve the essential code resources);

decrypting the encrypted title signal using the player signal as the private key (Moskowitz: column 6 lines 29-31: the license code possessed by user is the private key used to decode watermark to extract essential code resources/title signal);

determining if the result of the decrypting step results in the title signal (Moskowitz: column 7 lines 8-21: decode watermark and obtain the required resources/title signal); and

performing an action based upon the determination (Moskowitz: column 7 lines 19-21: means to provide access to content).

23. As per claim 50, Moskowitz discloses the method of claim 49. Moskowitz further discloses wherein the action is performed if the result of the decryption results in the title signal (Moskowitz: column 7 lines 12-21).

24. As per claim 51, Moskowitz discloses the method of claim 50. Moskowitz further discloses wherein the action is to inform the device user of the determination and at least one consequence thereof Moskowitz: column 3 lines 31-40: whether the data could be access depends on the title signal).

***Claim Rejections - 35 USC § 103***

25. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

26. Claims 1-24 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moskowitz et al. U.S. Pat. No. 5745569 (hereinafter Moskowitz) in view of Tamer et al. U.S. Pat. No. 5619501 (hereinafter Tamer).

27. As per claim 1 and 53, Moskowitz discloses a method for utilizing a title signal contained in digital data through a processing of the title signal, the method comprising:

downloading the digital data having the title signal via an Internet connection (Moskowitz: column 7 lines 12-17: distribute data through Internet), wherein the title signal is carried with digital watermark encoded in the digital data, in which the digital watermarking is carried in the digital data through alterations to data representing the digital data (Moskowitz: column 7 lines 15-21: the content contains watermark and the watermark conveys copyright information as well as means to fully access, play, record the content);

transferring the downloaded digital data to the player device (Moskowitz: column 7 lines 5-10: download data with watermark to the device);

detecting, at the player device, the title signal in the digital data, the player device comprises a multi-purpose electronic processor configured as a detector, and said act of detecting utilizes the detector (Moskowitz: column 7 lines 8-10: decode the watermarks and execute the

applets/title signal contained in them; column 7 lines 17-21: the watermark also conveys additional title signal such as copyright information and means to fully access content);

processing the title signal (Moskowitz: column 7 lines 8-9: execute the applet; column 7 lines 17-21: the system would be able to invalidate any content that has its watermark erased because the watermark contains essential resources to control access to content); and

performing an action based upon the process (Moskowitz: column 7 lines 12-17: the watermark allows the system to enforce digital rights management by using watermark and embedded essential data).

Moskowitz disclose using extracting and processing essential data from watermark to control access to data. Moskowitz does not explicitly disclose comparing the essential data/title signal extracted from watermark with a player signal stored on the user device. However, Tamer discloses provide conditional access to data if conditional access codeword stored in user device matches conditional access codeword stored on data packet (Tamer: column 1 line 63 - column 2 line 2: conditional access filter compares conditional access codeword stored on the subscriber with the codeword stored on the data packet prior to granting access to data). It would have been obvious to one having ordinary skill in the art to utilize the essential data stored in the watermark information for comparison with data stored on user device because both prior art disclose controlling unauthorized access to distributed content. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Tamer within the system of Moskowitz because it protects data from unauthorized user that does not have sufficient right/information to access data.

28. As per claim 2, Moskowitz as modified discloses the method of claim 1. Moskowitz as modified further disclose wherein the digital data is streaming audio or video data (Moskowitz: column 4 lines 37-45; Tamer: column 2 lines 33-50: packet stream).

29. As per claim 3, Moskowitz as modified discloses the method of claim 1. Moskowitz as modified further disclose wherein the player signal is indicative of an attribute of the device, device user, data, or data owner (Tamer: column 1 lines 64-66: the subscriber specific conditional codeword).

30. As per claim 4, Moskowitz discloses the method of claim 1. Moskowitz further discloses decoding the watermark signal or subsignal thereof (Moskowitz: column 7 lines 8-9: decode the watermark).

31. As per claim 5, Moskowitz as modified discloses the method of claim 4. Moskowitz as modified further discloses wherein the watermark signal contains a copy protection subsignal of a predetermined number of bits, the title signal being a portion of the predetermined number of bits unused by the copy protection subsignal (Moskowitz: column 6 lines 32-37 and column 7 lines 17-21: the essential code resourced embedded in the watermark include copyright information; Tamer: column 5 lines 15-21: the 128 bit conditional access code). Same rationale applies here as above in rejecting claim 1.

32. As per claim 6, Moskowitz as modified discloses the method of claim 1. Moskowitz as modified further discloses wherein the action is performed if the title signal matches the player signal (Tamer: column 1 line 63 - column 2 line 2).

33. As per claim 7, Moskowitz as modified discloses the method of claim 6. Moskowitz as modified further discloses wherein the action is to inform the device user of the match and at least one consequence thereof (Tamer: column 1 lines 61-67: the system allows or disallows access and the user would reasonably know the outcome of the comparison).

34. As per claim 8, Moskowitz as modified discloses the method of claim 7. Moskowitz as modified does not explicitly disclose wherein the consequence is informing the user of the winning of a prize. However, one with ordinary skill in the art understands conditional access system allows access to data/information when criteria are satisfied and access includes, but not limited to, outputting video, audio, or pertinent information.

35. As per claim 9, Moskowitz as modified discloses the method of claim 7. Moskowitz as modified further discloses wherein the digital data is digital video data (Moskowitz: column 4 lines 37-40).

36. As per claim 10, Moskowitz as modified discloses the method of claim 7. Moskowitz as modified further discloses wherein the digital data comprises digital audio data (Moskowitz:

column 4 lines 37-40).

37. As per claim 11, Moskowitz as modified discloses the method of claim 7. Moskowitz as modified further discloses wherein the action is to inform the device user of the match and of the player signal (Moskowitz: column 3 lines 31-40: whether the data could be access rests on the title signal; Tamer: column 1 line 65 - column 2 line 2: the system permits access to data only if both conditional access codes match and the user is aware of the result).

38. As per claim 12, Moskowitz as modified discloses the method of claim 3. Moskowitz as modified further discloses wherein the player signal is indicative of a device number (Tamer: column 1 line 64-65: subscriber specific conditional codeword).

39. As per claim 13, Moskowitz as modified discloses the method of claim 1. Moskowitz as modified further discloses the title signal is encoded with the digital watermarking in a time varying manner (Moskowitz: column 8 lines 3-10).

40. As per claim 14, Moskowitz as modified discloses the method of claim 3. Moskowitz as modified further discloses inputting the player signal to the player device prior to the comparing step (Tamer: column 3 lines 40-45: loading the SCID/player signal into the player device).

41. As per claim 15, Moskowitz as modified discloses the method of claim 6. Moskowitz as modified further discloses wherein perfect matching between the title signal and player signal is

necessary in order to perform the action (Tamer: column 4 lines 29-35).

42. As per claim 16, Moskowitz as modified discloses the method of claim 6. Moskowitz further discloses wherein imperfect or approximate matching between the title signal and player signal is permitted in order to perform the action (Moskowitz: column 4 lines 29-35: not all SCIDs have to be matched).

43. As per claim 17, Moskowitz as modified the method of claim 6. Moskowitz as modified further discloses wherein the title signal and player signal contain at least two fields, each field comprising a group of bits, wherein matching of fields between the title signal and player signal is permitted in order to perform the action (Tamer: column 5 lines 15-28).

44. As per claim 18, Moskowitz as modified discloses the method of claim 1. Moskowitz as modified further discloses wherein at least one title signal which when compared to the player signal evokes the performance of the action (Tamer: column 4 lines 29-35).

45. As per claim 19, Moskowitz as modified discloses the method of claim 1. Moskowitz as modified further discloses wherein at least one title signal which when compared to the player signal evokes the performance of the action, is chosen to match at least one targeted demographic group (Tamer: column 18 lines 19-23: group from the same ZIP code, area code or geographical area).

46. As per claim 20, Moskowitz as modified discloses the method of claim 1. Moskowitz as modified further discloses wherein the action is performed if the title signal matches the player signal and the action is to inform the device user of the match (Tamer: column 4 lines 29-35).

47. As per claim 21, Moskowitz as modified discloses the method of claim 1. Moskowitz as modified further discloses wherein the player device is a personal computer and the transferring step comprises storing the downloaded data to a recordable medium readable by the player device (Moskowitz: column 7 lines 1-17).

48. As per claim 22, Moskowitz as modified discloses the method of claim 21. Moskowitz as modified further discloses wherein the detecting, comparing and performing steps are performed after the storing step is completed (Moskowitz: column 6 lines 32-37: the data can be copied but cannot be accessed; column 7 lines 1-21: to access data after storage, conditions have to be met following extraction of essential information embedded in watermark).

49. As per claim 23, Moskowitz as modified disclose the method of claim 21. Moskowitz as modified further discloses wherein the detecting, comparing and performing steps are performed after the downloaded digital data is partially stored such that the title signal is available for use in the method before the storing step is completed (Moskowitz: column 4 lines 40-45: the method applied toward interactive distribution of multimedia data; Tamer: column 4 lines 28-35: the data is partially stored prior to comparison of conditional access code to allow packet payload to be



stored in memory).

50. As per claim 24, Moskowitz as modified discloses the method of claim 1. Moskowitz as modified further discloses wherein the player device is a personal computer and at least the detecting step is performed in real time as the digital data is downloaded (Moskowitz: column 7 lines 13-17).

51. Claims 28, 33, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tamer.

52. As per claim 28, Tamer discloses the method of claim 27. Tamer does not explicitly disclose wherein the consequence is informing the user of the winning of a prize. However, one with ordinary skill in the art understands conditional access system allows access to data/information when criteria are satisfied and access includes, but not limited to, outputting video, audio, or pertinent information.

53. As per claim 33, Tamer discloses the method of claim 32. Tamer does not explicitly disclose wherein the consequence is informing the user of the winning of a prize. However, one with ordinary skill in the art understands conditional access system allows access to data/information when criteria are satisfied and access includes, but not limited to, outputting video, audio, or pertinent information.

54. As per claim 46, Tamer discloses the method of claim 45. Tamer does not explicitly disclose wherein the consequence is informing the user of the winning of a prize. However, one with ordinary skill in the art understands conditional access system allows access to data/information when criteria are satisfied and access includes, but not limited to, outputting video, audio, or pertinent information.

55. Claims 35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tamer in view of Moskowitz.

56. As per claim 35, Tamer discloses the method of claim 34. Tamer disclose the title signal is provided to the user device via network (Tamer: column 2 lines 34-50). Tamer does not explicitly disclose wherein the computer readable set of instructions having the title signal contained therein is provided to the personal computer by downloading via an Internet connection. However, Moskowitz discloses transmitting video, audio, or data via Internet or cable network to user and embedding copyright information and essential applets within watermark to protect content from unauthorized use (Moskowitz: column 7 lines 1-21). It would have been obvious to one having ordinary skill in the art to distribute digital content through designated network (cable) or widely available network (Internet) because both prior art disclose digital transmission and process of packet information to protect contents. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Moskowitz within the system of Tamer because it allows data to be transmitted via publicly accessible network.

57. As per claim 37, Tamer discloses the method of claim 25. Tamer does not explicitly disclose wherein the detecting step comprises computing the title signal from the information available from the personal computer. However, Moskowitz discloses decrypting watermark information with key stored on the computer and retrieve copyright information from the watermark to determine whether access should be granted (Moskowitz: column 7 line 1-21). It would have been obvious to one having ordinary skill in the art to protect data with watermark and decode the watermark using information stored on the user device to extract copyright information/title signal for comparison because they are analogous content protection system using conditional data. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Moskowitz within the system of Tamer because it enhances the authentication process by requiring the user device to possess secure information necessary to generate title signal for comparison.

58. Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moskowitz.

59. As per claim 52, Moskowitz discloses the method of claim 51. Moskowitz does not explicitly disclose wherein the consequence is informing the user of the winning of a prize. However, one with ordinary skill in the art understands conditional access system allows access to data/information when criteria are satisfied and access includes, but not limited to, outputting video, audio, or pertinent information.

***Response to Arguments***

60. Applicant's arguments filed 4/28/09 have been fully considered but they are not persuasive.

Regarding applicant's amendment and remarks, applicant mainly introduces new limitations to emphasize the use of device to produce tangible result and application. However, no significant amendment has been made to further differentiate the claims from prior art. Therefore, applicant is advised to contact the examiner for further discussion on the claim to expedite prosecution.

***Conclusion***

61. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHIN-HON CHEN whose telephone number is (571)272-3789. The examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shin-Hon Chen  
Primary Examiner  
Art Unit 2431

/Shin-Hon Chen/  
Primary Examiner, Art Unit 2431